

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GARY CARSON BROWN,

Petitioner,

No. 02:11-cv-01003-SU

v.

MARK NOOTH,

Respondent.

ORDER

HERNANDEZ, District Judge:

Magistrate Judge Sullivan issued a Findings & Recommendation (#49) on June 25, 2013, in which she recommends the Court deny Petitioner's request for an evidentiary hearing, deny the Petition for Writ of Habeas Corpus, and limit a Certificate of Appealability to Petitioner's First Ground for Relief.

Petitioner has timely filed objections to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

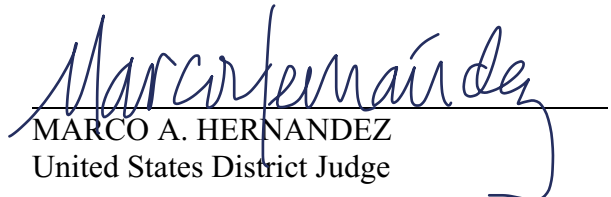
I have carefully considered Petitioner's objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Sullivan's Findings & Recommendation [#49], and therefore, Petitioner's request for an evidentiary hearing is denied, the Petition for Writ of Habeas Corpus [#1] is denied, and the Certificate of Appealability is limited as reflected in the Judgment.

IT IS SO ORDERED.

DATED this 5 day of Aug, 2013.


MARCO A. HERNANDEZ
United States District Judge